

# SENATE BILL 1041

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2lr3327

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By: **Senator Frosh**

Introduced and read first time: February 24, 2012

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Victims of Crime – Interpreters**

3 FOR the purpose of altering certain requirements relating to the use of an interpreter  
4 in court to include the appointment of an interpreter for a victim or victim's  
5 representative who is deaf or cannot readily understand or communicate the  
6 spoken English language; authorizing a victim or victim's representative to  
7 apply for appointment of a certain interpreter; making conforming changes;  
8 making a certain technical correction; and generally relating to interpreters in  
9 court proceedings.

10 BY repealing and reenacting, with amendments,  
11 Article – Courts and Judicial Proceedings  
12 Section 9–114(a)  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume and 2011 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Criminal Procedure  
17 Section 1–202  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2011 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – Criminal Procedure  
22 Section 11–104(a)  
23 Annotated Code of Maryland  
24 (2008 Replacement Volume and 2011 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Courts and Judicial Proceedings**

2 9–114.

3 (a) **(1)** If a party [or], A witness, **OR A VICTIM OR VICTIM’S**  
 4 **REPRESENTATIVE, AS DEFINED IN § 11–104(A) OF THE CRIMINAL PROCEDURE**  
 5 **ARTICLE**, is deaf or cannot readily understand or communicate the spoken English  
 6 language, any party **OR A VICTIM OR VICTIM’S REPRESENTATIVE** may apply to the  
 7 court for the appointment of a qualified interpreter to assist that person.

8 **(2)** [Upon the application of any party or witness who is deaf] **ON**  
 9 **RECEIVING THE APPLICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION**, the  
 10 court shall appoint a qualified interpreter to assist that person.

11 **(3)** The court shall maintain a directory of interpreters for manual  
 12 communication [and/or] **OR** oral interpretation to assist deaf persons **OR PERSONS**  
 13 **WHO CANNOT READILY UNDERSTAND OR COMMUNICATE THE SPOKEN ENGLISH**  
 14 **LANGUAGE.**

15 **Article – Criminal Procedure**

16 1–202.

17 (a) **(1)** The court shall appoint a qualified interpreter to help a defendant  
 18 in a criminal proceeding throughout any criminal proceeding when the defendant [is]:

19 **[(1)] (I)** IS deaf; or

20 **[(2)] (II)** cannot readily understand or communicate the English  
 21 language and cannot understand a charge made against the defendant or help present  
 22 the defense.

23 **(2)** **ON APPLICATION OF A VICTIM OR VICTIM’S REPRESENTATIVE**  
 24 **AS DEFINED IN § 11–104(A) OF THIS ARTICLE, THE COURT SHALL APPOINT A**  
 25 **QUALIFIED INTERPRETER TO HELP THE VICTIM OR THE VICTIM’S**  
 26 **REPRESENTATIVE THROUGHOUT ANY CRIMINAL PROCEEDING WHEN THE**  
 27 **VICTIM OR VICTIM’S REPRESENTATIVE:**

28 **(I)** IS DEAF; OR

29 **(II)** CANNOT READILY UNDERSTAND OR COMMUNICATE THE  
 30 **ENGLISH LANGUAGE.**

31 (b) The court shall give an interpreter appointed under this section:

1                   (1)     compensation for services in an amount equal to that provided for  
2 interpreters of languages other than English; and

3                   (2)     reimbursement for actual and necessary expenses incurred in the  
4 performance of services.

5 11-104.

6           (a)     (1)     In this section the following words have the meanings indicated.

7                   (2)     “Victim” means a person who suffers actual or threatened physical,  
8 emotional, or financial harm as a direct result of a crime or delinquent act.

9                   (3)     “Victim’s representative” includes a family member or guardian of  
10 a victim who is:

11                               (i)     a minor;

12                               (ii)    deceased; or

13                               (iii)  disabled.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2012.